

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

MICHAEL SMITH,

Defendant.

No. 13-00319-03-CR-W-HFS

**GOVERNMENT'S RESPONSE
IN OPPOSITION TO DEFENDANT'S MOTION
FOR EARLY TERMINATION OF PROBATION**

Michael Smith pled guilty to Conspiracy to Commit Arson and Wire Fraud for his involvement in an arson insurance fraud scheme, on November 3, 2014, in the Western District of Missouri. (D.E. 129.) On June 30, 2015, the Honorable Dean Whipple, United States District Court Judge, granted the government's motion for downward departure and sentenced Smith to three years' probation, and ordered him to pay \$50,764.37 in restitution. (D.E. 203, 204.)

On August 14, 2017, Smith filed a *pro se* motion to terminate probation. (D.E. 262.) Undersigned counsel contacted Probation Officer Stephanie Werning, Smith's supervising probation officer, and she provided the following input. Smith has generally adjusted positively to supervision. Smith has been compliant with his reporting requirements and has made consistent monthly payments toward his restitution at the rate of \$280 month. However, she knows of no reason why Smith should be released from supervision early. If Smith wanted to transfer his supervision to another district, she would be open to such a request.

Smith has much more restitution to pay, and has provided no reason for early termination of what was already a lenient sentence, so the United States opposes his request, and respectfully requests this Court to deny his request.

Respectfully submitted,

Thomas M. Larson
Acting United States Attorney

By */s/ Kathleen D. Mahoney*

Kathleen D. Mahoney #38828
Assistant United States Attorney

Charles Evans Whittaker Courthouse
400 East 9th Street, Suite 5510
Kansas City, Missouri 64106
Telephone: (816) 426-3122

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was delivered on August 16, 2017, to the CM-ECF system of the United States District Court for the Western District of Missouri for electronic delivery to all counsel of record:

/s/ Kathleen D. Mahoney

Kathleen D. Mahoney
Assistant United States Attorney